



09-08-03

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In The United States Patent and Trademark Office  
Examiner: Toan Nguyen Art Unit: 2665

In Re: Application of Ross W. Callon et al.  
Case: IBN-0002  
Serial No.: 09/113,491  
Filed: 07/10/1998  
For: System and Method for Facilitating Recovery from Communication Link Failures in a Digital Data Network

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To: The Commissioner of Patents and Trademarks  
Washington, D.C. 20231

SEP 09 2003  
Technology Center 2600

Dear Sir:

**RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT**

A Notice of Non-Compliant Amendment was received in the above-referenced case, mailed by the Office on 08/22/2003, stating that the amendment document filed on 08/14/2003, is not compliant because it fails to meet the requirements of 37 CFR 1.121.

In response, the applicant has corrected the amendment filed on 08/14/2003, and submits herewith a corrected paper. The applicant respectfully requests that the corrected amendment accompanying this paper be accepted and entered into the case file to be dealt with by the Examiner.

Respectfully submitted,

Ross W. Callon et al.

By Donald R. Boys  
Donald R. Boys - Reg. No. 35,074

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P.O. Box 187  
Aromas, CA 95004



Paper No.

## Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 8-14-03 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following omission(s) or provision is required. **Only the section (1.121(h)) of the amendment document containing the omission or non-compliant provision must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted.**

THE FOLLOWING CHECKED (X) ELEMENTS(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_
- ☐ 3. Amendments to the drawings: \_\_\_\_\_
- ☒ 4. Amendments to the claims:
- ☒ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all claims (incl. withdrawn claims)
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☒ E. Other: Claims 1, 23, 35, are not listed

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For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given **ONE MONTH** from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is **not extendable**.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION**, and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a **TIME PERIOD** of **ONE MONTH** from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

*Marcia Gordon*  
Legal Instruments Examiner (LIE)

COPY



## Certificate of Express Mailing

"Express Mail" Mailing Label Number: EV298199561US

Date of Deposit: 09/05/2003

Ref: Case Docket No.: IBN-0002

First Named Inventor: Ross W. Callon

Serial Number: 09/113,491

Filing Date: 07/10/1998

Title of Case: System and Method for Facilitating Recovery from Communication Link Failures in a Digital Data Network

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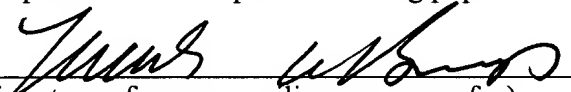
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I hereby certify that the attached papers are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and addressed to the Commissioner of Patents and Trademarks, Washington D.C. 20231

1. Response to Notice of Non-Compliance.
2. Response D.
3. Copy of Notice of Non-Compliant Amendment.
4. Certificate of Express Mailing.
5. Postcard Listing Contents.

Mark A. Boys

(Typed or printed name of person mailing paper or fee)

  
(Signature of person mailing papers or fee)